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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/723,754 | 11/26/2003 | Rama Iyer | 727-01-PA-T-CONT | 9668 |

7590 01/04/2005

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| EXAMINER |
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JEANTY, ROMAIN

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| ART UNIT | PAPER NUMBER |
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3623

DATE MAILED: 01/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/723,754

Applicant(s)

IYER ET AL.

Examiner

Romain Jeanty

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4-12, 14 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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Election/Restrictions

1. Claims 2-3, 13, 15-19, and 21-27 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a non-elected of Group II, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on December 16, 2004. Claims 1, 4-12, 14 and 20 are pending in the application.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, and 20 are rejected under 35 USC 102(e) as being anticipated by Papierniak U.S. Patent No. 6,151,584).

As per claims 1, Papierniak discloses a method for collecting and storing operational data comprising:

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receiving information from a plurality of sources collecting the user's information (col. 5, line 20), analyzing the information (col. 5, line 21), performing trend analysis (col. 13, lines 24-29).

Claim 20 is a computer-executable process in a computer readable memory for performing the steps of method claim 1; and therefore is rejected under the same analysis of claim 1.

4. Claims 4, 12, and 14 are rejected under 35 USC 102(b) as being anticipated by Basch et al (U.S. Patent No. 6,119,103).

As per claims 4, 12, and 14 Basch et al disclose a method for receiving transaction data comprising:

plural data collectors that collect data from plural data sources (col. 14, lines 25-31), and reporting module, wherein the reporting module provides various reports based on the data collected from the plurality data collectors (col. 13, lines 50-58).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Basch (U.S. Patent No. 6,119,103) in view of Joshi et al (US Patent No. 6,532,427).

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As per claim 7, Basch discloses all of the limitations in claim 4 above, but does not explicitly disclose a legacy data collector. Joshi et al in the same field of endeavor, discloses a legacy data collection (col. 2, lines 1-7). It would have been obvious to a person of ordinary skill in the art to modify the disclosures of Basch to include a legacy data collection as taught by Joshi et al. A person having ordinary skill in the art would have been motivated to use such a modification in order to perform a desired analysis on the data and present the results in a desired fashion.

7. Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Basch (U.S. Patent No. 6,119,103) in view of Sameshima (U.S. Patent No. 6,038,564)

As per claim 5-6, Basch discloses all of the limitations in claim 4 above, but fails to disclose triggering module that activates an event based on the collected data. Sameshima in the same field of endeavor discloses the concept of activating an event based on collected data (col. 2, lines 4-7 and col. 5, lines 16-51). It would have been obvious to a person of ordinary skill in the art to modify the disclosures of Basch to incorporate the activation of an event as taught by Sameshima in order to supply the data to an application program.

8. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Basch (U.S. Patent No. 6,119,103) in view of Poole et al (US Patent No. 5,455,948).

As per claim 8, Basch discloses all of the limitations in claim 4 above, but does not explicitly disclose an API data collector. Poole et al in the same field of endeavor, discloses the concept of data collector application programming interface (API). It would have been obvious to a person of ordinary skill in the art to have modified the disclosures of Basch to include an application programming Interface (API) as taught by Poole in order to provide the

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ability for a user to direct a data collection process to a server and permit a client to simultaneously perform another operation during the data collection process.

9. Claim 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Basch (U.S. Patent No. 6,119,103) in view of Pape et al (U.S. Patent No. 6,664,897).

As per claims 9-10, Basch discloses all of the limitations in claim 4 above, but does not explicitly disclose a data transformation service data collector. Pape et al in the same field of endeavor, discloses a method for collecting data comprising data transformation (col. 30, lines 3-5 and col. 42, lines 53-63). It would have been obvious to a person of ordinary skill in the art to incorporate a data transformation into the disclosures of Basch in order to allow a user to efficiently manage the data.

As per claim 11, Basch teaches all of the limitations above including a data collector, but fails to explicitly disclose an XML data collector. It would have been obvious to a person of ordinary skill in the art to have incorporated an XML data collector into the disclosures of Basch in order to allow the data to be published on the Internet .

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Romain Jeanty whose telephone number is (703) 308-9585. The examiner can normally be reached on Mon-Thurs 7:30 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq R Hafiz can be reached on (703) 305-9643. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

12/27/04


ROMAN JEANTY
PRIMARY EXAMINER
Art Unit 3623